

May 16, 1975

SENATOR DICKINSON: As to whether or not evidence is acceptable? Is this what....

SENATOR CAVANAUGH: For certain testimony will be received or not received, whether certain physical evidence can be presented, the conditions under which it can be presented, for example you have to lay what we call foundation in order to get a document in, which means that you have to go through a series of verification questions with the witness prior to the introduction of a document or an item to insure that the document or item is authentic and original and relevant to the case.

SENATOR DICKINSON: Will this bill make it more or less stringent to get a case into court then, in your opinion? Or, does it work both ways? Are you trying to make uniform these rules of evidence?

SENATOR CAVANAUGH: It has very little to do with getting the case into court. It will effect some of the things that can a...a...in the manner in which they can be presented.

SENATOR DICKINSON: What can be presented? What evidence and how it is obtained and so forth.

PRESIDENT: Senator Cavanaugh, excuse me, pretrial discovery would that help Senator Dickinson, how much this helps facilitate?

SENATOR CAVANAUGH: I'm not sure that is where he is going.

SENATOR DICKINSON: I'm not sure where I'm going but I'm trying to understand a little bit, and I'm not a lawyer and you are and so is Mr. President. I'm really....

SENATOR CAVANAUGH: I don't have the old rules here. I could give you a couple of examples if you give me a minute or two as to the changes and the effect of the change, but it would affect what could be introduced in a manner and it is basically a liberalization of what can be introduced because we have found that some of the rules are too restrictive and things that pertain to the case can not be presented under our current rules that say that they would be able to be presented. I believe that it deals with expert witnesses and allows the court to call an independent court witness and....

SENATOR DICKINSON: Does this pertain to criminal cases, Civil cases or both or....

SENATOR CAVANAUGH: All rules, yes.

SENATOR DICKINSON: Thank you.

PRESIDENT: Senator Luedtke would you want to close debate?

SENATOR LUEDTKE: Yes, I would just like to add. Senator Dickinson, further it does apply to both criminal and civil and as a Senator Cavanaugh so aptly put it, these are the rules of the game in the court room and I think what this does